

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

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|--|---|-----------------------|
| United States of America |) | Case No. 17-909 M (N) |
| v. |) | |
| THEODORE B. SIMMONS (DOB:XX/XX/1990), |) | |
| ROBERT A. ANDERSON (DOB:XX/XX/1992), and |) | |
| REBECCA R. RODRIGUEZ (DOB:xx/xx/1985) |) | |

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April, 2017 in the county of Milwaukee in the
Eastern District of Wisconsin, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|---------------------|---|
| 18 U.S.C. § 922(g) | Felon in possession of firearm |
| 18 U.S.C. § 924(c) | Use/Carry/Possess firearms during commission of crime of violence |
| 18 U.S.C. § 1951(a) | Obstruct/Delay/Affect commerce or movement of article in commerce |

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.


Brad Simons
 Complainant's signature

Special Agent Brad Simons, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:


Nancy Joseph
 Judge's signature

City and state:

Milwaukee, Wisconsin

Nancy Joseph, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Brad Simons, being first duly sworn on oath, on information and belief state:

I. BACKGROUND, TRAINING, AND EXPERIENCE

1. I am employed as a Special Agent by the Federal Bureau of Investigation and have been so employed since July 2014. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. I am currently assigned to the Milwaukee Office of the FBI. I have participated in numerous armed bank robbery and commercial robbery investigations in violation of Title 18, United States Code, Sections 924(c), 1951, and 2113, and other related offenses. I have also received formal training regarding the same.

3. Based on my training and experience, and evidence gathered as part of this investigation, I believe there is probable cause that THEODORE B SIMMONS (DOB: 07/03/1990), ROBERT A. ANDERSON (DOB: 07/24/1992), and REBECCA R. RODRIGUEZ (DOB: 10/12/1985) committed armed robbery of the Time Food Mart located at 1835 S. 25th Street, Milwaukee, Wisconsin, on April 21, 2017, in violation of 18 U.S.C. §§ 1951(a), 924(c), and 2. I further believe there is probable cause that SIMMONS and ANDERSON engaged in additional armed robberies of the Taqueria Aranda located at 1531 W. Lincoln Avenue, Milwaukee, Wisconsin, on April 9, 2017; the South Avenue Foods store located at 2108 S. 25th Street, Milwaukee, Wisconsin on April 12, 2017; and the ABC Store located at 1143 S. 22nd Street, Milwaukee, Wisconsin on April 16, 2017, in

violation of 18 U.S.C. §§ 1951(a), 924(c), and 2. I further believe there is probable cause that ANDERSON unlawfully possessed a firearm on May 3, 2017, after previously having been convicted of a felony offense, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). I therefore submit this affidavit in support of a criminal complaint and arrest warrants.

4. This affidavit is based upon my personal knowledge and information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. This affidavit is also based upon information provided by other law enforcement officers' police reports, evidence obtained from search warrants, cooperating citizen witness statements, and other information whose reliability is established herein.

5. Because this affidavit is submitted for the limited purpose of obtaining a criminal complaint and arrest warrants, I have not included every fact known to me concerning this investigation. I have attempted to set forth only the facts that I believe are pertinent to establishing the necessary foundation for the complaint and warrants.

II. PROBABLE CAUSE

Armed robbery of the Taqueria Aranda restaurant on April 9, 2017

6. On April 9, 2017, at around 10:42 p.m., three suspects entered the back door of the Taqueria Aranda restaurant located at 1531 W. Lincoln Avenue, Milwaukee, Wisconsin, and committed armed robbery. Based on witness statements and video surveillance, Suspect #1 was a black male wearing an Adidas hoodie with the hood up, a black mask, black pants with writing along the groin area that appeared to read "Jewel House," and black shoes. Suspect #1 brandished a silver revolver and grabbed money

from the register. Suspect #2 was a black male wearing a gray hooded zip-up sweatshirt with black strings and the hood up, a white mask covering his face, dark gray shorts, and black tennis shoes. Suspect #2 brandished a dark revolver. Suspect #3 was wearing a gray hooded sweatshirt with the hood up, a white undershirt underneath that extended below the sweatshirt, blue jeans and white shoes. Suspect #3 was unarmed. The suspects ordered employees to the ground at gunpoint and took wallets from some employees before fleeing out the back door.

Armed robbery of the South Avenue Foods store on April 12, 2017

7. On Wednesday, April 12, 2017, at around 8:18 p.m., two suspects entered the South Avenue Foods store located at 2108 S. 25th Street, Milwaukee Wisconsin, and committed armed robbery. According to witness statements and surveillance video, Suspect #1 brandished a chrome revolver and Suspect #2 punched an employee, A.M., in the face. The suspects forced A.M. to open the cash register and then forced A.M. to the ground. The suspects then took cash from the cash register and some other items, and fled the store.

8. On Thursday, April 13, 2017, Milwaukee Police officers received a tip from a citizen witness ("C.W.") who said s/he believed "Theo" might be involved in the South Avenue Food store robbery. C.W. stated that "Theo" was a black male who has a girlfriend named "Becky." C.W. was shown a photograph THEODORE SIMMONS and identified SIMMONS as "Theo."

9. A check of Milwaukee Police reports revealed that SIMMONS had been involved in a traffic stop in Milwaukee on July 15, 2016 with RODRIGUEZ. C.W. was

shown a photograph of RODRIGUEZ and identified RODRIGUEZ as SIMMONS' girlfriend "Becky."

10. Milwaukee Police obtained surveillance video from a third party who had a camera facing the South Avenue Foods store around the time of the robbery on April 12, 2017. The video shows a Pontiac Aztek drive past the store three times over the course of approximately 6 minutes just prior to the robbery.

11. A check of Milwaukee police reports revealed that on April 12, 2017, a citizen with initials C.B. contacted police stating that THEODORE SIMMONS took C.B.'s vehicle and did not return it. The vehicle was a 2001 Pontiac Aztek. Later that day, around 6:22 p.m., C.B. called the police and stated that SIMMONS had returned the vehicle.

Armed robbery of the ABC Store on April 16, 2017

12. On April 16, 2017, two suspects entered the ABC Store located at 1143 S. 22nd Street, Milwaukee, Wisconsin, and committed armed robbery. According to witness statements and surveillance video, Suspect #1 was a black male wearing a grey zip-up hooded sweatshirt with black strings and the hood up, and branding a chrome revolver. Suspect #2 was a black male wearing a dark hooded sweatshirt with the hood up. When an employee behind the counter saw the suspects enter and brandish the revolver, the employee produced his own firearm and fired at the suspects, who were still near the entrance doorway. The suspects then ran out the store. The employee went to the door. A witness stated that s/he heard two shots fired by the suspects back toward the store and that the employee returned gunfire back at the suspects.

Armed robbery of the Time Food Mart on April 21, 2017

13. On April 21, 2017, two suspects entered the Time Food Mart located at 1835 S. 25th Street, Milwaukee, Wisconsin, and committed armed robbery. According to witness statements and surveillance video, Suspect #1 was a black male wearing a grey zip-up hooded sweatshirt with black strings and the hood up, a white shirt underneath the sweatshirt that extended below the sweatshirt, a white mask over his face, dark pants, a black belt with silver buckle, and black shoes. Suspect #1 brandished a silver revolver. Suspect #2 was a black male wearing a dark hooded sweatshirt with logo reading in part "Football" on the front with the hood up, a brimmed baseball hat under the hood with a sticker on the top of the brim, dark pants, and black shoes. The suspects ordered an individual to the ground and punched an employee. The suspects took money from the cash register, several cartons of Newport cigarettes, and lottery tickets from the store before fleeing out the door.

14. Video surveillance shows that shortly before the robbery, a blue Pontiac Aztek drove past the store multiple times.

15. Later that evening, officers presented a photo array of potential suspects to a victim of this robbery. The victim identified the photograph of SIMMONS as one of the robbers. Several days later, a victim of this robbery identified ANDERSON as one of the robbers during a live line up at the Milwaukee Police Department.

GPS Tracking of the Pontiac Aztek

16. Prior to the Time Food Mart robbery, officers believed that C.B.'s 2001 Pontiac Aztek was involved in robberies. On April 18, 2017, Milwaukee Police officers

obtained a GPS warrant for C.B.'s Pontiac Aztek. A GPS device was installed on the Pontiac Aztek on April 19, 2017.

17. GPS data from the GPS tracker installed on C.B.'s Pontiac Aztek showed that the vehicle was near the Time Food Mart at the time of the robbery on April 21, 2017. The GPS data showed that after the robbery, the vehicle drove back to the area of N. 31st Street and W. Wells Street in Milwaukee, which is near C.B.'s apartment.

18. A review of the GPS data that led officers to check surveillance cameras from the Texas Food Mart located at 1201 W. National Avenue, Milwaukee, Wisconsin. Video surveillance from the Texas Food Mart showed that around 2:40 p.m. on April 21, 2017, the Pontiac Aztek drove past the Texas Food Mart and Robert ANDERSON exited the passenger door of the Aztek. ANDERSON then entered the Texas Food Mart for a brief period before returning to the Aztek, which then drove away. The video shows ANDERSON wearing a white t-shirt, black pants, a black belt with silver buckle, and black shoes, which match clothing worn by Suspect #1 during the Time Food Mart robbery.

Interviews of witnesses and defendants

19. After the Time Food Mart robbery on April 21, 2017, officers conducted a traffic stop on the Pontiac Aztek. Two occupants were located in the vehicle. The driver was identified as C.B. and the front occupant was identified as D.H.

20. A later search of the Pontiac Aztek revealed, among other things, a brimmed baseball hat with sticker on the top of the brim (similar to one worn by Suspect

#2 during the Time Food Mart robbery), and a lottery ticket (lottery tickets were taken during the Time Food Mart robbery).

21. In addition, on April 21, 2017, officers obtained and executed a search warrant for 3004 W. Wells St #205, Milwaukee, Wisconsin, which is C.B.'s residence. During the search, officers recovered items of clothing from a bedroom, including a grey zip-up hooded sweatshirt with black strings, and dark pants with the words "Jewel House" written across the front, which matched clothing worn by suspects involved in the above-referenced robberies. Officers also recovered a carton of Newport cigarettes, similar to the cartons stolen during the Time Food Mart robbery.

22. Officers interviewed C.B. C.B. stated that she let SIMMONS and RODRIGUEZ use her vehicle the afternoon of April 21, 2017, which was during the time when the Time Food Mart robbery occurred. C.B. stated SIMMONS and RODRIGUEZ were with Robert ANDERSON when they took the vehicle. C.B. stated that they returned later to C.B.'s apartment that afternoon with the vehicle. C.B. identified still surveillance video photos from the Time Food Mart robbery and stated that the Suspect #1 looked like ANDERSON and Suspect #2 looked like SIMMONS.

23. RODRIGUEZ was arrested in Milwaukee on or around April 26, 2017. In post-arrest interviews, RODRIGUEZ ultimately admitted that she and SIMMONS used C.B.'s vehicle on Friday, April 21, 2017. When shown a still surveillance video photograph of the Pontiac Aztek driving near the Time Food Mart before the robbery, RODRIGUEZ identified herself as the driver of the Aztek at that time. RODRIGUEZ denied involvement in any robberies.

24. SIMMONS was arrested on or around April 26, 2017, in Milwaukee after attempting to flee from officers on foot. In post-arrest interviews, SIMMONS ultimately admitted to being involved in several armed robberies going back to January 24, 2017, in the Milwaukee area, along with ANDERSON.

- a. Regarding the April 9, 2017 armed robbery at Taqueria Aranda, 1531 W. Lincoln Avenue, Milwaukee, Wisconsin, SIMMONS stated that he, along with ANDERSON and a light-skinned black male, entered the rear of the store. SIMMONS stated he (SIMMONS) was armed with a silver .38 caliber revolver. SIMMONS stated he was the suspect that was wearing the Adidas hooded sweatshirt at the time of the robbery.
- b. Regarding the April 12, 2017 armed robbery of South Avenue Foods, 2108 S. 25th, Milwaukee Wisconsin, SIMMONS stated that he drove C.B.'s Pontiac Aztek for the robbery and that ANDERSON and another male left the vehicle to commit the robbery while SIMMONS, RODRIGUEZ, and another male waited in the vehicle.
- c. Regarding the April 16, 2017 armed robbery at ABC Store, 1143 S. 22nd Street, Milwaukee, Wisconsin, SIMMONS stated that was the driver for this robbery and that ANDERSON and another male committed the robbery.
- d. Regarding the April 21, 2017 armed robbery of the Time Food Mart, 1835 S. 25th Street, Milwaukee, Wisconsin, SIMMONS was shown still surveillance photographs from the robbery and identified himself as Suspect

#2 in the dark hooded sweatshirt, and identified ANDERSON as Suspect #1 in the grey hooded sweatshirt brandishing the silver revolver.

25. ANDERSON was arrested on or around May 3, 2017, after fleeing from police officers on foot in Milwaukee. He was found hiding underneath a porch at 5813 S. 13th Street, Milwaukee, Wisconsin. In the area under the porch where ANDERSON was hiding, officers found a loaded Bersa Model BP40cc .40 caliber handgun, serial number G41651, with a round in the chamber and six rounds in the magazine. In a post-arrest interview, ANDERSON admitted that he purchased the Bersa firearm three days prior to his arrest. On information and belief, the Bersa firearm was not manufactured in Wisconsin and therefore travelled in interstate commerce prior to Anderson's possession of it on May 3, 2017.

26. As part of the investigation, Milwaukee Police obtained ANDERSON's Facebook account through a search warrant. The account includes photographs of ANDERSON wearing a grey zip-up hooded sweatshirt with black strings, which matches clothing worn by the suspects in the robberies as discussed above. There are also several photographs of firearms including a silver revolver and a black revolver, which are similar to firearms used during the robberies as discussed above. The account also includes several messages between "Robb Anderson" and others, including a conversation dated April 27, 2017, in which "Robb Anderson" and another user appear to discuss robberies of "ABC store" and "the one on 25th and n burnham" [the Time Food Mart is located at the corner of 25th Street and W. Burnham Street, Milwaukee]. The conversation includes references to "theo" being "locked up." In that conversation,

"Robb Anderson" states "Aye that pick they got of me?? My face covered right?" Later in the conversation, "Robb Anderson" states "Me n Theo was bussin moves in her car, long story short she got bussed down n name dropped, I already called n talked to the Sargent he told me I ain't have no warrants or nun, but he said he got a couple people saying my name[.]"

27. ANDERSON is a convicted felon. He was convicted of the felony offense of burglary of a dwelling in Milwaukee County Case No. 2010CF00468, and he was convicted of the felony offense of operating a vehicle without owner's consent in Milwaukee County Case No. 2011CF004913

III. CONCLUSION

28. Based upon the foregoing, I submit that there is probable cause to believe that in the State and Eastern District of Wisconsin:

a. THEODORE B. SIMMONS, ROBERT A. ANDERSON, and REBECCA R. RODRIGUEZ committed armed robbery of Time Food Mart located at 1835 S. 25th Street, Milwaukee, Wisconsin, on April 21, 2017, in violation of 18 U.S.C. §§ 1951(a), 924(c), and 2.

b. THEODORE B. SIMMONS and ROBERT A. ANDERSON committed armed robberies of the Taqueria Aranda located at 1531 W. Lincoln Avenue, Milwaukee, Wisconsin, on April 9, 2017, in violation of 18 U.S.C. §§ 1951(a), 924(c), and 2.

c. THEODORE B. SIMMONS and ROBERT A. ANDERSON committed armed robbery of the South Avenue Foods store located at 2108 S.

25th Street, Milwaukee, Wisconsin on April 12, 2017, in violation of 18 U.S.C. §§ 1951(a), 924(c), and 2.

d. THEODORE B. SIMMONS and ROBERT A. ANDERSON committed armed robbery of the ABC Store located at 1143 S. 22nd Street, Milwaukee, Wisconsin on April 16, 2017, in violation of 18 U.S.C. §§ 1951(a), 924(c), and 2.

e. ROBERT A. ANDERSON unlawfully possessed a firearm on May 3, 2017 after previously having been convicted of a felony offense, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).